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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,671	10/14/2003	Herbert P. Hartgrove	PGI6044P0132US	3389
32116	7590	09/11/2006	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			BEFUMO, JENNA LEIGH	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,671

Applicant(s)

HARTGROVE ET AL.

Examiner

Jenna-Leigh Befumo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 25, 2006 has been entered.

Response to Amendment

2. The Amendment submitted on July 25, 2006, has been entered. Claims 1 – 13, 15, 16, 19, and 20 have been cancelled. Claim 14 has been amended. Therefore, the pending claims are 14, 17, and 18.

3. The amendment to claim 14 is sufficient to overcome the 35 USC 112 rejection set forth in the previous Office Action.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 14, 17, and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffers et al. (4,925,722) in view of Birch (5,458,962).

Response to Arguments

6. Applicant's arguments filed July 25, 2006 have been fully considered but they are not persuasive. The applicant argues that Jeffers et al. fails to teach producing a three dimensional imaged fabric (response, page 5). However, it is noted that the nonwoven fabric taught by

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Jeffers et al. is inherently a three-dimensional fabric since Jeffers et al. discloses that the fabric can be placed upon a patterned screen when it is hydroentangling which imparts a pattern to the fabric that includes apertures and an overall three-dimensional surface. It is noted that three-dimensional image is examined as only requiring a pattern or image which has some depth, or height, along the thickness direction of the fabric. Thus, the apertures and the design produced by the teachings of Jeffers et al. would meet the three-dimensional limitation recited in the claim.

The applicant further argues that the prior art doesn't teach the claimed strength and abrasion resistance values. The applicant bases this on the comparative example in the disclosure, which compares a fabric made according to US 5,989,113, and shows that the prior art fabric has significantly inferior tensile strength and loading capacity (response, page 6). The applicant further suggests that the fabric of US 5,989,113 is similar to Jeffers et al. and would have similar low tensile strength and loading capacity. However, after review of US 5,989,113, this evidence is not sufficient to demonstrate that rejection based on Jeffers et al. would not have the claimed properties. First, the fabric in US 5,989,113 is not apertured or hydroentangled on a patterned surface. Thus, this material does not have the same hydroentangled structure. The applicant must show that the material made according to Jeffers et al. which produces a patterned, three-dimensional structure would not have the claimed properties. Further, the fabric in US 5,989,113 does not appear to be produced with an acrylic binder material as taught by Jeffers et al. Thus, the two fabrics can not be compared to each other, and the results of US 5,989,113 as compared to the present invention are not sufficient to show that Jeffers et al. would not have the claimed properties. The applicant must compare the present invention to the prior art as set forth in the rejection.

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Further, the applicant argues that Jeffers et al. and Birch cannot be combined together because they are related to different types of webs (response, page 6 – 7). First, it is noted that both Birch and Jeffers et al. are drawn to nonwoven, cleaning webs that include an acrylic binder. The applicant's argument that Birch is not related is not persuasive since Jeffers et al. specifically teaches that acrylic binders are preferred in the cleaning sheet and Birch is drawn to acrylic binder used in cleaning sheets. Thus, Jeffers et al. provides motivation to use the acrylic binder disclosed in Birch. Therefore, it is not critical to the combination what type of nonwoven fabric Birch is making because the combination is based on the binder material used in cleaning articles.

Further, the applicant argues that Jeffers et al. is drawn to wet wipes, which are different types of cleaning fabrics than the buffing pads disclosed by Birch. However, Jeffers et al. does not limit the fabric to being used as wet wipes. Jeffers et al. discloses that the fabric can be used in various applications. Thus, Jeffers et al. can be modified to be used as a heavier, more durable fabric to expand the number of ways the cleaning fabric can be used. Therefore, the rejection is maintained.

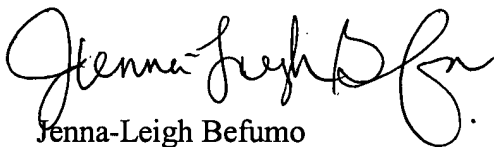
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Jenna-Leigh Befumo', with a stylized flourish at the end.

Jenna-Leigh Befumo
September 5, 2006